

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re AMERICAN INVESTORS LIFE
INSURANCE CO. ANNUITY
MARKETING AND SALES PRACTICES
LITIGATION

MDL Docket No. 1712

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL
OF SETTLEMENT, CLASS CERTIFICATION, AND AWARD
OF ATTORNEYS' FEES AND COSTS AND INCENTIVE PAYMENTS**

Pursuant to Federal Rule of Civil Procedure 23 and for the reasons set forth in the memorandum of law, filed contemporaneously herewith and which is incorporated herein by reference, Plaintiffs Richard M. and Dena F. Stein, Mary Lynch, Charlotte and Beryl Price, the Estate of Joseph Healy, George J. Miller, Jean Ryles, Evelyn K. Edwards, Dorothy Eddy, and Michael J. and Catherine M. Quinn, in their individual capacities and as representatives of the putative class, hereby request final approval of the Stipulation of Settlement ("Settlement Stipulation" or "Settlement"), which was attached to the Motion for Preliminary Approval, as Exhibit "1". The Settlement is fair, reasonable and adequate, as a consideration of the factors set forth in *Girsh v. Jepsen*, 521 F.2d 153 (3d Cir. 1975) demonstrates.

The Plaintiffs also move the Court for a final order conditionally certifying, for settlement purposes only, the class as defined in the Settlement. The Plaintiffs further seek an award of attorneys' fees and costs in the amount of \$18,250,000, and incentive payments to the twelve named Plaintiffs in the total amount of \$115,000.

In accordance with Local Rule 7.1, Plaintiffs certify that they have conferred with Defendants and that Defendants do not oppose this Motion.

In support of this Motion, Plaintiffs have filed herewith a Memorandum of Law, with supporting exhibits. Plaintiffs also submit a proposed form of order.

WHEREFORE, pursuant to Federal Rule of Civil Procedure 23, Plaintiffs' Motion for this relief, as set forth in the proposed order, should be GRANTED.

Dated: October 30, 2009

Respectfully submitted,

/s/ Jonathan Auerbach/JA1194

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2009 a true and correct copy of the foregoing Motion, and the accompanying Memorandum of Law and the exhibits thereto, were electronically filed and served by ECF on the all counsel listed on the MDL 1712 Master Service List.

/s/ Jonathan Auerbach /1194
Jonathan Auerbach